

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 130 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RK DWIVEDI

Versus

STATE OF GUJARAT

Appearance:

MR PM RAVAL for Petitioner

Shri N.N.PANDYHA for Respondent No. 1 to 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/07/96

ORAL JUDGEMENT

Heard learned counsel for the parties. The petitioner by this special civil application challenges the communication of adverse remarks made against him in the memorandum dt. 10th September, 1981 Annexure B. Learned counsel for the petitioner does not dispute that none of the service conditions has been effected by passing of this order, nor any prejudicial to the petitioner has been caused by the respondents relying on

this adverse remarks. Adverse remarks communicated to the employee are of no consequence. All these acts could not have been challenged before the court because virtually does not effect any of the service conditions which caused prejudice to the petitioner can be challenged or cause of action can be challenged. This adverse remarks may cause to the petitioner only when any order effecting any of the service conditions or causing any prejudice to him has been made by the respondents relying on the adverse remarks. As stated earlier is not the case here. This petition is premature and as such it is dismissed. Rule is discharged.

However it is made clear that dismissal of this petition will not come in the way of the petitioner to challenge validity, legality and correctness of this adverse remarks communicated to him vide Annexure B dt. 10th September 1981. In case any order is passed relying on this adverse remarks which effects service conditions qua any prejudice, in such case, the petitioner has right to challenge the adverse remarks before appropriate authority by challenging that order passed against him relying on it.
